

Remarks

Applicant respectfully requests reconsideration of the rejection of the claims in view of the remarks set forth below. Claims 1, 3-14 and 16-20 remain in the application. Claims 1, 8 and 14 are amended. Claim 2 and 15 were previously canceled. Claims 3-7 and 16-20 were previously presented. Claims 9-13 are unchanged.

35 U.S.C. §103

Claims 1, 3-14 and 16-20 stand rejected under 35 U.S.C 103(a) as being unpatentable over Stoel et al (U.S. 5,905,942) in view of Okura et al. (U.S. 6,487,722) further in view of Candelore (U.S. 6,057,872). Under U.S.C. § 103, the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to be obvious in light of the teachings of the references (MPEP § 706.02(j)).

Amended claim 1 recites, inter alia, a “system for providing data in a multiple dwelling facility, the system comprising...**a headend unit that receives a data stream from a program provider via a content delivery medium**, the data stream comprising a plurality of programs...and a multiple dwelling unit network that is adapted to receive at least a portion of the data stream from the headend unit and provide at least a subset of the plurality of programs to individual users in the multiple dwelling facility...**wherein the headend unit is adapted to offer at least one of the plurality of programs** to individual users in the multiple dwelling facility **either at a first price set by the program provider or at a second price set by the headend unit.**” (Emphasis added). Applicants respectfully submit that no new subject matter is being added by the amendment to claim 1. Support for the amendment can be found throughout the application and more specifically in FIG. 1 and in the specification on page 3, line 30 to page 4, line 16.

As noted on page 8 of the Office Action: "Stoel and Okura fail to explicitly disclose a headend unit is adapted to offer at least one of the plurality of programs to individual users at a second price set by the headend unit." Applicants respectfully propose that Stoel and Okura also fail to disclose the "headend unit that receives a data stream from a program provider via a content delivery medium...wherein the headend unit is adapted to offer at least one of the plurality of programs...either at a first price set by the program provider or at a second price set by the headend unit." elements of amended claim 1.

Candelore appears to be directed towards enabling service providers to transmit credit information in the form of digital coupons to individual subscribers to individual subscriber terminals to promote particular programs and reward viewer loyalty. (Col. 1, lines 9-13). Candelore appears to teach a system having a transmitting end 110 that includes, inter alia, a central controller 130, a PPV order processing function 115, and a digital coupon information function 115. (Col. 5, lines 6-15). The transmitting end 110 appears to transmit programs and digital coupons to the receiving end 130 via channel 120. (Col. 5, lines 45-55; col. 6, lines 19-28). The digital coupons appear to be utilized by terminals 160-170 in the receiving end 130 based on criteria set by the service providers and not based on any criteria set by the receiving end terminals. (See, e.g., col. 1, lines 9-13; col. 3, lines 26-28; col. 4, lines 16-37; col. 5, lines 2-5 and 66-67; col. 7, lines 19-23; and col. 11, lines 8-11 and 58-60.) In other words, Candelore, similar to Okura, only appears to teach allowing a program or service provider to offer programs at a price or price criteria that is set by the service provider and transmitted over a channel to receiving end terminals. In contrast to Candelore, amended claim 1 recites, inter alia, a "headend unit that receives a data stream from a program provider via a content delivery medium...wherein the headend unit is adapted to offer at least one of the plurality of programs...either at a first price set by the program provider or at a second price set by the headend unit." As a result, amended claim 1 contains elements not taught or suggested by Candelore.

Accordingly, neither Stoel, Okura or Candelore, either alone or combined, teach the “headend unit that receives a data stream from a program provider via a content delivery medium...wherein the headend unit is adapted to offer at least one of the plurality of programs...either at a first price set by the program provider or at a second price set by the headend unit” elements of amended claim 1. Therefore, it is respectfully proposed that the rejection of claim 1 under 35 U.S.C. § 103(a) is overcome in accordance with the above amendment and remarks and notice to that effect is earnestly solicited.

Dependent claims 3-7 being dependent on and further limiting independent claim 1, should be allowable for that reason, as well as for the additional recitations that they contain. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Independent claim 8 is amended to contain elements similar to independent claim 1 and should be allowable for at least the same reasons discussed above. Therefore, it is respectfully proposed that the rejection for obviousness is overcome.

Dependent claims 9-13 being dependent on and further limiting independent claim 8, should be allowable for that reason, as well as for the additional recitations that they contain. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Independent claim 14 is amended to contain elements similar to independent claim 1 and should be allowable for at least the same reasons discussed above. Therefore, it is respectfully proposed that the rejection for obviousness is overcome.

Dependent claims 16-20 being dependent on and further limiting independent claim 14, should be allowable for that reason, as well as for the additional recitations that they contain.

Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (818) 480-5223, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fees, other than those discussed above, are believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,




By: Vincent E. Duffy
Reg. No. 39,964
Phone (818) 480-5223

Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312
July 15, 2009

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

7/15/09
Date


Vincent E. Duffy